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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,713	11/03/2006	Satoshi Kimura	TOMI 200012	3265
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Fay Sharpe LLP 1228 Euclid Avenue, 5th Floor The Halle Building Cleveland, OH 44115				
EXAMINER				
PATIDAR, JAY M				
ART UNIT		PAPER NUMBER		
2858				
MAIL DATE		DELIVERY MODE		
08/19/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/575,713

Applicant(s)

KIMURA, SATOSHI

Examiner

JAY M. PATIDAR

Art Unit

2858

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 15 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 17-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)
- Paper No(s)/Mail Date 04/12/06
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. This communication is in response to applicant's response received on May 6, 2009.
2. Applicant's election of Group I in the reply filed on May 6, 2009 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
3. Claims 15-16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.
4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
5. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered

consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 16-20 been renumbered 17-21.

6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the slot for rotor and a stator e.g. as set forth in claim 2 must be shown or the feature(s) canceled from the claim(s).

No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

7. Claims 1-14,17-21 are objected to because of the following informalities:

In claim 1, there are no antecedent basis for "stator side", "rotor side" and "rotational angle"; it is vague as to what a resolver section is and how it modulates resolver excitation signal; what constitutes excitation signal transmitting means; how it transmits the signal; what is rotating and how rotational angle is determined;3 the scope of the claim is not clear and being incomplete amounting to a gap between the elements. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. No structural connection or relationship is set forth between the claimed elements;

In claim 2, lines 3,5, the subject matter in parenthesis should be deleted;

In claim 3, it is unclear as to whether the coils, cores claimed are the same as of claim 2 or different;

In claims 4,17, there is no antecedent basis for "rotor shaft" or "case";

In claim 5, the first para "wherein said stator comprises...on the rotor" does not make sense since it is already in claim 3; thus the structure as claimed is vague since it is unclear if all elements as claimed are the same or different from that of claim 3; are coils in second para same as the coils in the first para?

In claim 6, are coils at line 3 same as coils in claim 5 or different? The phrase "it is possible" is awkward;

In claims 8,9,10, the scope of the claim is unclear; this claim depends on claim 5, the limitations do make sense; perhaps dependency is incorrect;

In claims 11-13, these claims are method claims that are dependent upon apparatus claims.

In claim 14, it is vague as to whether rotor; slot; iron core are the same as of claim 2; what 2-phase coils are; how they structurally cooperate with other elements of the resolver.

In claim 17, the subject matter in parenthesis should be deleted; this applies to all claims; it is unclear as to whether the coils claimed in claim 17 are the same as of claim 2 or different;

In claims 7,19-20, the phrase "it is possible" is awkward; there are no antecedent basis for "number of pole pairs" and "number of slots"; parenthesis should be removed; it is unclear as to whether rotor/stator or iron cores have slots;

In claim 21, this claim depends upon claim 8 that is duplicate of claim 21;
Appropriate correction is required.

8. Due to the informal nature of the claims as noted above, no meaningful search can be performed at this time. Thus, an art rejection is not being applied at this time. However, any subsequently presented claims, in definite form will be subject to rejection on art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAY M. PATIDAR whose telephone number is (571)272-2265. The examiner can normally be reached on M-Thur 8:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Assoud can be reached on 571-272-2210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jay M. Patidar/
Primary Examiner
Art Unit 2858